IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 7647 of 2007(I)

PETITIONER:

P.S.THRIVIKRAMAN, RETIRED GENERAL
MANAGER, K.CO.U.BANK, PANACKAL HOUSE,
VELOOR, KOTTAYAM.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.S.MANU
SMT.P.G.MARY LUCY BIYANGA

RESPONDENTS:
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1. THE KOTTAYAM CO-OPERATIVE URBAN BANK
REPRESENTED BY ITS GENERAL MANAGER,
KOTTAYAM.

2. THE PRESIDENT,
KOTTAYAM CO-OPERATIVE URBAN BANK.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

BY ADV. SRI.SUNIL SYRIAC
ADV. SHRI.P.K.RAVI KRISHNAN, GOVERNMENT PLEADER - R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 7647/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE LETTER DATED 18/11/2000 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

P2 : COPY OF THE JUDGMENT DATED 16/5/2005 IN O.P. NO. 21589/1997.

P3 : COPY OF THE REPRESENTATION DATED 06/02/2007 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

P4 : COPY OF THE ACKNOWLEDGEMENT CARD.

// TRUE COPY //

PA TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 7647 OF 2007

Dated this the 4th day of April, 2007

JUDGMENT

Even though notice was served, there is no appearance for the first respondent-Bank. Petitioner's case is that petitioner is entitled to get full gratuity amount paid by LIC to the first respondent. It seems that gratuity payment is arranged by the first respondent through LIC. Since the amount payable to the petitioner is in excess of the statutory limit, first respondent has retained an amount of Rs. 72988/- which the petitioner is entitled to get, is his case. Petitioner has relied on Ext.P2 judgment of this Court wherein same issue is decided in favour of the claimants. Ext.P2 is not issued in the case of the first respondent, but in the case of another society. It is not known whether this judgment has become final or not. In any case, since the first respondent has not considered petitioner's claim based on Ext.P2 judgment, W.P. is disposed of with direction to the first respondent to consider petitioner's claim for release of balance gratuity amount based on ext.P2 judgment of this Court (O.P.No. 21589 of 1997 dated

16.5.2005). Petitioner will produce along with a copy of this judgment, a copy of Ext.P2 judgment before the first respondent for taking decision. First respondent is directed to release the eligible amount in accordance with Ext.P2 judgment and communicate it's decision on petitioner's claim to the petitioner within one month from the date of production of a copy of this judgment by the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge